

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION No. 21918 of 2004

Between:

J. Tripadha Gayathree, W/o. Sri T. Chiranjeeva Rao,
H.D. 116, Burma Camp Kothagudam, Khammam Distirct.

..... PETITIONER

AND

- 1 The Principal, Dr.A.R. Government Homeopathy Medical College,
Rajahmundry.
- 2 Commissioner, Indian Medicines and Homeopathy, Secunderabad.
- 3 Registrar, NTR University of Health Sciences, Vijayawada.
- 4 Secretary, Health, Medical and Family Welfare (R) Dept.,
Govt of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly in the nature of writ of Mandamus directing the respondents 1 and 2 to implement G.O.Ms.No. 238 dated 06.08.2004 and to admit the petitioner into 1st year of BHMS in Dr. A.R. Government Homeopathy Medical College, Rajahmundry in the enhanced seats of the college.

Counsel for the Petitioner : Mr.A.V.S.RAMA KRISHNA

Counsel for Respondents : G.P. FOR MEDICAL & HEALTH

The Court made the following :

ORDER:

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Heard the learned counsel for petitioner and the learned Government Pleader appearing for respondents.

Challenging the action of respondents 1 and 2 in not implementing G.O.Ms.No.238 dated 6.8.2004 and in not admitting the petitioner into first year of BHMS course in the first respondent college, the present writ petition is filed.

The case of the petitioner is that she secured Rank No.026581 in the EAMCET 2004 and in spite of her attending first and second counseling on 6.5.2004 and 25.10.2004 respectively seeking admission into B.H.M.S. in the first respondent college, she could not get the seat in the said course. It is stated that in the first respondent College, there are 25 seats of BHMS course and the Government vide G.O.Ms.No.238 dated 6.8.2004 has increased the seats from 25 to 50. The grievance of the petitioner is that in the first and second counseling, only 25 seats have been filled up, and the enhanced 25 seats were not filled and had the counseling for the enhanced seats been taken up, she would have got admission for B.H.M.S. course in the first respondent college.

The learned Government Pleader produced parawise remarks of the respondents stating that since affiliation for the enhanced seats was not granted to the first respondent college and admissions into those seats could not be made and therefore, consideration of petitioner's case for the enhanced seats does not arise. It is also stated that the petitioner belongs to 'OC' category of Osmania University area with Rank No.026581 and she will be eligible for OC/Unreserved seats in Andhra University and Sri Venkateshwara University areas, and OC/Local seats in Osmania University area. It is also stated that the OC local seat in O.U. area is occupied by the candidate with rank No.12343 and therefore even if the seats are increased, she will not get seat in BHMS course. It is stated that the committee constituted for inspection of the first respondent college has opined that the college does not have proper infrastructure facility to increase the strength and therefore, it has not permitted for the increase in seats.

Having regard to the facts and circumstances and having regard to the fact that the

first respondent college was not granted affiliation for the enhanced seats, and since the petitioner did not come within the zone of consideration on the basis of her rank for admission to the existing seats of 25, there is no ground to entertain the writ petition. The writ petition is accordingly dismissed at the stage of admission. No costs.

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N.V.RAMANA, J

Date: 28.12.2004

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To

- 1 The Principal, Dr.A.R. Government Homeopathy Medical College, Rajahmundry.
- 2 Commissioner, Indian Medicines and Homeopathy, Secunderabad.
- 3 Registrar, NTR University of Health Sciences, Vijayawada.
- 4 Secretary, Health, Medical and Family Welfare (R) Dept., Govt of A.P., Hyderabad.
- 5 Two CCs to the G.P. for Medical & Health, High Court Buildings, Hyderabad (OUT).
- 6 Two CD copies.